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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,090	08/05/1999	AKIHIRO IINO	S004-3747	6307

7590 06/13/2002  
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NEW YORK, NY 10004

EXAMINER

BUDD, MARK OSBORNE

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

369890

Applicant(s)

Iino et al

Examiner

M. Budd

Group Art Unit

2834

me

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 4-23-02
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-19, 22 and 24-33 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 10-19 and 24-33 is/are allowed.
- ☒ Claim(s) 1, 2, 4 and 6-9 is/are rejected.
- ☒ Claim(s) 3, 5 and 22 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 7-9, 20 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Katsuma, Miyazawa or Vishnevsky (580).

Note Katsuma fig. 7, Miyazawa fig. 62 and Vishnevsky fig. 4. Each reference teaches a piezoelectric stator mounted on a substrate having a conductive pattern and a mounting to electrically and mechanically connect the piezo element to the power supply. Additional circuitry on the substrate and output mechanism are anticipated by the references.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa, Vishnevsky (580) or Katsuma.

Each reference teaches the claimed structure except the support member (Vishnevsky #19, Miyazawa #52-38, Katsuma (#4) is provided as a separate element. However, making parts

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integral or separable has long been held to be within the skill expected of the routineer and would therefore have been obvious to one of ordinary skill in the art.

Claims 3, 5 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-19 and 24-32 are allowed.

Regarding applicants comments it is noted that Vishnevsky support substrate #27 has metallizations to eliminate wiring. Also, #19 is an elastic conductor which can be used to mount the piezo element.

Applicant argues that the claims are not anticipated because in applicants view the piezoelectric vibrator does not contact the moveable element. This reasoning seems to be based on the assumption that the claims define the piezoelectric vibrator as (1) consisting of only an electrodes piezo-electric material and (2) that this piezo material directly contacts the moveable element. However, the claims do not define this structure a piezoelectric vibrator is not limited to an electrodes piezo material but can comprise many parts e.g. the element #2 of Katsuma.

The examiner is confused by applicants statement that "the minor amendments made to claim 1 herein is not believed to affect the examiner's finding of patentability of claim 1". The record shows present claim 1 to be identical to finally rejected claim 1 in paper no. 13 (7-3-01). The record also clearly shows that applicant added the material now debted from claim 1 in an amendment after final (paper no. 18 (1-3-02)) in order to avoid the rejection of claim 1 and make

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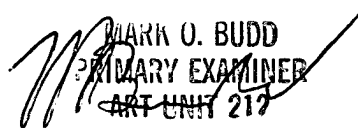
it allowable. Thus the present rejection of 'old' claim 1 should not be a surprise to applicant. Since the current issues are identical to those after final in the "parent" case it is proper to make the above rejection final.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Budd/ds

06/12/02

  
MARK O. BUDD  
PRIMARY EXAMINER  
ART UNIT 212